

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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K.S. on Behalf of Herself and Her Minor Child, D.S.

Docket No.: 1:21-CV-04649  
(PAC)

Plaintiffs,

-against-

THE CITY OF NEW YORK, ST. VINCENT'S SERVICES,  
INC., HEARTSHARE HUMAN SERVICES OF NEW  
YORK, HEARTSHARE ST. VINCENT'S SERVICES, THE  
ADMINISTRATION FOR CHILDREN'S SERVICES,  
COMMISSIONER DAVID HANSELL, In His Official  
Capacity, ACS J. DOE 1, ACS J. DOE 2, JOHN OLUFEMI,  
ST. VINCENT'S J DOE 1, ROSALYN CHERNOFSKY,  
LYDIA KING, DAWN SAFFAYEH, NEW YORK CITY  
DEPARTMENT OF EDUCATION; NEW YORK CITY  
BOARD OF EDUCATION; CHANCELLOR MEISHA  
PORTER, In Her Official Capacity,

Defendants,  
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**PLEASE TAKE NOTICE**, that upon the accompanying Declaration of Gianna C. Signorille sworn to on the 9<sup>th</sup> day of February, 2023, and the exhibits attached thereto, the Defendants ST. VINCENT'S SERVICES, INC, HEARTSHARE HUMAN SERVICES OF NEW YORK, HEARTSHARE ST. VINCENT'S SERVICES, JOHN OLUFEMI, ROSALYN CHERNOFSKY, LYDIA KING and DAWN SAFFAYEH will move this Honorable Court on a date and time to be decided by this Honorable Court:

- 1) For an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Plaintiffs' Second Amended Complaint in its entirety, as a matter of

law against the defendants ST. VINCENT'S SERVICES, INC, HEARTSHARE HUMAN SERVICES OF NEW YORK, HEARTSHARE ST. VINCENT'S SERVICES, JOHN OLUFEMI, ROSALYN CHERNOFSKY, LYDIA KING and DAWN SAFFAYEH; and

- 2) For such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that the Plaintiffs' Opposition, if any, is to be served by **March 9, 2023**. The Defendants' reply papers are to be served by **March 23, 2023**.

Oral argument will be held at a date and time to be determined by this Honorable Court.

Dated: New York, New York  
February 9, 2023

Respectfully submitted,

**RUTHERFORD & CHRISTIE, LLP**

BY: 

Gianna C. Signorille  
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ST. VINCENT'S SERVICES, INC,  
HEARTSHARE HUMAN SERVICES OF NEW  
YORK, HEARTSHARE ST. VINCENT'S  
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CHERNOFSKY, LYDIA KING and DAWN  
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To: **Via ECF**  
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